



PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named inventor: *Christopher R. Stephens*Application No.: *09/504,939*Art Unit: *3624*Filed: *02-16-2000*Examiner: *Daniel S. Jelfen*Title: *System and Method*

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee☒ Small entity-fee \$ *750⁰⁰* (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))**2. Reply and/or fee**

A. The reply and/or fee to the above-noted Office action in the form of *response accompanied by a check* (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

06/02/2005 MAHED1 00000034 09504939 750.00 OP
01 FC:2453

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Susan L. Talley
Signature

5-26-05
Date

Susan L. Talley
Typed or printed name

Registration Number, if applicable

25812 N. 67th Drive
Address

623-772-1290
Telephone Number

Peoria, AZ 85383
Address

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

5-26-05
Date

Susan L. Talley
Signature

Susan L. Talley, CEO
Typed or printed name of person signing certificate



Express Mail No.

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application No.	Filed:	Inventor(s):	Atty. Dkt.:	Customer No.
09/504,939	16 FEB 2000	Stephens and Waelbroeck	0ADT0001-US	00000
Title: SYSTEM AND METHOD FOR CREATING, DISTRIBUTING AND MANAGING ARTIFICIAL AGENTS				
Examiner: FELTEN, Daniel S.		Art Unit 3624	Confirmation No. 6632	

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Petition for Revival of Application for Patent Abandoned Unintentionally

Sir:


Applicants hereby petition for revival of the application following unintentional abandonment. The fee for this petition is estimated to be \$750.00. An additional fee of \$250 is estimated for the 10 additional claims provided in this filing.

We thank the patent examiner for his careful reading of our application and well-drafted response. The Office Action mailed August 10, 2004 was received by our firm and given due attention; however, as there was no response date indicated on the action, we were unaware of the default 6 month time frame within which we had to respond as there was no response date indicated on the document. Thereby, we graciously request that you consider our application for revival. We are dedicated to pursuing our patent and are now well informed of expected response times and will comply accordingly.

The petition for revival of the application for patent abandoned unintentionally is believed to have been fulfilled by this Response. We graciously await your response.

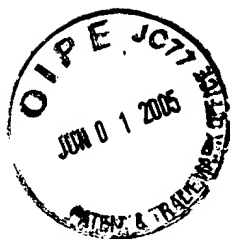
Respectfully submitted,

May 26, 2005

A handwritten signature in cursive script, reading "Susan L. Talley", is written over a horizontal line.

Susan Talley, CEO
Adaptive Technologies, Inc.
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Peoria, AZ 85383

(623) 772-1290



Express Mail No.

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application No.	Filed:	Inventor(s):	Atty. Dkt.:	Customer No.
09/504,939	16 FEB 2000	Stephens and Waelbroeck	0ADT0001-US	00000
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Examiner: FELTEN, Daniel S.		Art Unit 3624	Confirmation No. 6632	

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION MAILED SEPTEMBER 3, 2004

Sir:

Applicants hereby petition for revival of the application following unintentional abandonment. The fee for this petition is estimated to be \$750.00. An additional fee of \$250 is estimated for the 10 additional claims provided in this filing.

In response to the Office Action mailed August 10, 2004, the following amendments and remarks are respectfully submitted.

06/02/2005 MAHMED1 00000034 09504939

02 FC:2202

250.00 OP

REMARKS

We thank the patent examiner for his careful reading of our application and well-drafted response. We feel that a restriction is proper, and elect to restrict the application to group II comprising Claims 24-39 and 46-61, drawn to a consulting system method for artificial agents, classified in class 705, subclass 37.

In addition, we respectfully submit new claims covering non-obvious extensions of the above-mentioned claims that are well supported by the detailed description of the preferred and alternate embodiments, and are also drawn to a consulting system method for artificial agents.

Additional Claim Listing

67. The system of claim 46, wherein a curriculum vitae is associated with each artificial agent.

68. The system of claim 48, wherein the predictability value changes in view of real time market data.

69. The system of claim 48, wherein the predictability value is based on mutual-information-based reconstruction of a multivariate landscape.

70. The system of claim 69, wherein a price series of a financial instrument is used to generate the multivariate landscape.

71. The system of claim 46, wherein each artificial agent is self monitoring.

72. The system of claim 46, wherein the artificial agents monitor their expected future performance using a predictability value.

73. The system of claim 46, wherein each agent retires itself when its predictability falls below a predetermined threshold.

74. The system of claim 73, wherein retired agents are replaced by new agents from an agent factory.

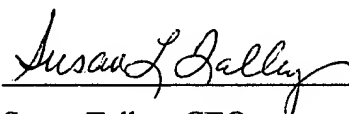
75. The system of claim 46, wherein each artificial agent is pre-trained with a predetermined decision making strategy.

76. The system of claim 46, wherein at least one of the agents has a strategy that is designed by the user.

The request to restrict the claims to a single classification is believed to have been fulfilled by this Response. All pending claims within group II comprising claims 24-39, 46-61 and 67-xxx are believed to be allowable, and a prompt Notice of Allowance would be appreciated.

Respectfully submitted,

May 26, 2005

A handwritten signature in cursive script, reading "Susan L. Talley", is written over a horizontal line.

Susan Talley, CEO
Adaptive Technologies, Inc.
25812 N. 67th Drive
Peoria, AZ 85383

(623) 772-1290



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/504,939

08/10/2004

Christopher R. Stephens

ADT0001-US

6632

28970

7590

08/10/2004

SHAW PITTMAN

IP GROUP

1650 TYSONS BOULEVARD

SUITE 1300

MCLEAN, VA 22102

EXAMINER

FELTEN, DANIEL S

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-23, drawn to a system and method for leasing artificial agents, classified in class 705 subclass 80
 - II. Claims 24,39 and 46-61, drawn to a consulting system method for artificial agents classified in class 705, subclass 37.
 - III. Claims 40-45 and 62-66, drawn to methods of creating artificial agents, classified in class 706 subclass 45

The inventions are distinct, each from the other because of the following reasons:

Inventions Group I and Group II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the subcombination among other things, an agent factory. The subcombination has a separate utility for displaying recommendations.

2. Inventions Group I and Group III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as

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claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require the particulars of the subcombination which requires testing the effectiveness of different trading rules on a window of historical data, selecting a subset of different technical trading, etc. The subcombination has separate utility such as it can be used in different systems not related to leasing.

3. Inventions Group II and Group III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require the particulars of the subcombination which requires testing the effectiveness of different trading rules on a window of historical data, selecting a subset of different technical trading, etc. The subcombination has separate utility such as it can be used in different system not related to consulting.

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4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

5. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel S Felten whose telephone number is (703) 305-0724. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DSF



Daniel S Felten
Examiner
Art Unit 3624

VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600